

REMARKS

This Amendment is submitted in answer to the Office Action dated October 4, 2007, and pursuant to a telephonic conference between Examiner and Applicant's representative on November 28, 2007. Applicant thanks the Examiner for the courtesy extended during the telephonic conference. Based on Examiner's suggestion during the conference, Applicant has submitted herein amendments to the independent claims 1, 11, and 21, incorporating Examiner's suggestions therein. Moreover, claims 3, 13, and 23 have been amended. The proposed amendments to the claims do not contain any new matter.

AMENDMENT TO THE SPECIFICATION

Applicant has proposed amendments to paragraph [0001] of the present specification to supply the serial numbers of the cross-referenced co-pending patent applications. The proposed amendments to the specification do not contain any new matter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

On page 2 of the present Office Action, claims 11-30 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. In response to the above rejections, Applicant has amended independent Claim 11 to specifically recite "a processor; and code executed by the processor including: program means". Moreover, the recited term "means" has been replaced by the term "program means". In addition, Applicant has amended independent Claim 21 to specifically recite "An article of manufacture comprising a machine-readable storage device". Claims 12, 14-20, 22, and 24-30 are allowable at least by virtue of their dependence on an allowable base claim and any intervening claims. Thus, Applicant respectfully submits that the § 101 rejection of claims 11-30 is overcome.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

On page 3 of the present Office Action, claims 1-9, 11-19 and 21-29 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2004/0078540 to *Cirne et al.* (*Cirne*). Pursuant to Applicant's telephone interview with Examiner on November 28, 2007, Applicant has

amended independent claims 1, 11, and 21 to more clearly recite that “the one or more specified analysis properties includes an object’s age”. In this regard, references to an object’s instance count have been removed from the independent claim language and are now incorporated in dependent claims 3, 13, and 23, respectively.

In particular, currently amended claims 1, 11, and 21 of Applicant’s invention recite monitoring a specified one or more analysis properties consisting of an object’s age. In addition, amended claims 1, 11, and 21 of Applicant’s invention recite determining if the analysis property consisting of an object’s age exceeds a predetermined limit, wherein a predetermined limit for an object’s age is an object age limit. However, *Cirne* fails to teach or suggest (i) monitoring an object’s age, or (ii) determining if an object’s age exceeds a predetermined object age limit.

Instead, *Cirne* teaches a method of identifying potential sources of memory leaks by tracking the size, and not age, of groups of stored items. Moreover, *Cirne* determines potential sources of memory leaks based on growth patterns of the groups of stored items. *Cirne* tracks growth patterns of the groups of stored items by measuring the size of the stored items over a time period. For this reason, *Cirne* teaches the collection of timestamp data (*Cirne*, ¶0053) such that the size of the collection of objects over time can be compared to a threshold for growth. At no point is *Cirne* concerned with an object’s age or with comparing an object’s age with a predetermined object age limit. Rather, *Cirne* merely focuses on identifying memory leaks based on whether the size of a collection of objects (i.e., the number of objects) exceeds a particular growth threshold (*Cirne*, ¶¶0059 & 0060). In view of the foregoing, Applicant respectfully submits that the § 102 rejection of independent claims 1, 11, and 21 is overcome. Moreover, the § 102 rejection of claims 2-9, 12-19 and 22-29 is overcome at least by virtue of their dependence upon an allowable base claim.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

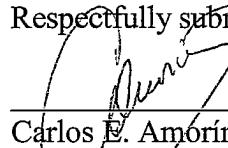
On page 8 of the present Office Action, claims 10, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cirne*. In view of the foregoing amendments to independent claims 1, 11, and 21, Applicant believes that claims 10, 20, and 30 are allowable at least by virtue of their dependence upon an allowable base claim.

CONCLUSION

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if Examiner believes that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and allowance of the pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to IBM CORPORATION DEPOSIT ACCOUNT NO. **09-0447**.

Respectfully submitted,



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